

IV. LAND USE DISTRICTS

IV.1 For the purpose of this ordinance, all land within the present or future City limits of Manitou Springs is declared to be in one of the districts described below. These districts are as described in the City's Comprehensive Plan and are intended as guidelines for the type of development which should occur within them.

IV.2 LAND USE DISTRICTS

IV.2.a LOW DENSITY RESIDENTIAL

- Only single family residences with densities of up to 3 units per gross residential acre.
- Home Occupations.
- Conditional Uses (subject to the granting of Planning Permission by the City Council and compliance with the conditions provided).
- Religious use facilities (subject to provision of required off-street parking).

Private Stables - It shall be unlawful for any person to maintain or keep any horse or other equine animal within the City unless the same is maintained on at least one acre of ground per animal and at least one hundred fifty feet from any building occupied as a residence or used for human habitation, other than the animals owners' or agistors' own residence. (Does not apply to private stables in use prior to November 15, 1978. See Ordinance #1878.)

One Temporary Construction and Sales Office conducted within a permitted principal use structure within a subdivision for purposes of initial real estate development therein. Use shall be limited to a two year period unless otherwise authorized, and said use shall be conducted in a manner which conforms to all requirements of the zone.

IV.2.b GENERAL RESIDENTIAL

- Moderate densities of up to 6 single family dwellings per gross residential acre.
- Mixtures of single and multiple family residences in planned areas not to exceed 10 dwelling units per gross residential acre.
- Convenience shopping with little or no advertising and subdued lighting in PUDs only (see V.2).
- Planned Residential Developments.
- Planned Unit Developments.
- Home Occupations.
- Conditional Uses (subject to the granting of Planning Permission by the City Council and compliance with the conditions therein provided).
- Religious use facilities (subject to provision of required off-street parking).

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IV.2.c HIGH DENSITY RESIDENTIAL

- Multiple family dwellings of up to 15 dwellings per gross residential acre.
- Planned Residential Developments.
- Planned Unit Developments.
- Home Occupations.
- Conditional Uses (subject to the granting of Planning Permission by the City Council and compliance with the conditions therein provided).
- Religious use facilities (subject to provision of required off-street parking).

Private Stables - It shall be unlawful for any person to maintain or keep any horse or other equine animal within the City unless the same is maintained on at least one acre of ground per animal and at least one hundred fifty feet from any building occupied as a residence or used for human habitation, other than the animals owners' or agistors' own residence. (Does not apply to private stables in use prior to November 15, 1978. See Ordinance #1878.)

One Temporary Construction and Sales Office conducted within a permitted principal use structure within a subdivision for purposes of initial real estate development therein. Use shall be limited to a two year period unless otherwise authorized, and said use shall be conducted in a manner which conforms to all requirements of the zone.

IV.2.d COMMERCIAL AREAS

- Groupings of retail, wholesale, and commercial establishments which may be oriented towards highway traffic.
- Planned Business Centers.
- Single Commercial Developments.
- Religious use facilities (subject to provision of required off-street parking).

IV.2.e DOWNTOWN AREA

- Major business and commercial center of the City with efforts made to maintain the unique atmosphere of downtown Manitou Springs.
- Planned Business Centers.
- Religious use facilities (subject to provision of required off-street parking).

IV.2.f HILLSIDE LOW DENSITY RESIDENTIAL

1. PURPOSE

This district is established to enable and encourage flexibility of design and development of land in a manner as to promote the most appropriate use of land; to facilitate the adequate and economical provision of streets and utilities; to preserve the natural and scenic qualities of Manitou Springs, and to accomplish the following:

- (a) Allow development of the area to its fullest potential consistent with the Comprehensive Plan.
- (b) Reduce the inaccessibility of the area in order to minimize the danger to life and property from natural disasters, fires and other emergencies.
- (c) Insure that hillside land with unstable soil and other surface problems is identified, and that these conditions are reflected in permit issued.
- (d) Minimize water runoff and soil erosion problems.
- (e) Minimize grading and "cut and fill" operations.
- (f) Preserve significant natural features of the hill areas.
- (g) Encourage flexibility in land development and land use practices.
- (h) Preserve the scenic qualities of the community.
- (i) Encourage the siting of residences on flat land and discourage the siting of residences on hill tops and ridge lines.
- (j) To assure densities which are compatible with the natural systems and terrain of the hillside area.
- (k) To assure that the taxpayers of Manitou Springs are not burdened by the extraordinary cost for services attributable solely to the development of hillside areas.

2. PERMITTED PRINCIPAL USES

- (a) Single Family Residence
- (b) Religious use facilities (subject to provision of required off-street parking).

3. DEVELOPMENT REQUIREMENTS

- (a) Minimum Lot Size - Allowable lot size shall be based on the average percent of slope, defined as follows: Average Percent of Slope shall mean the percent of slope as computed by the following formula -

$$S = \frac{100 IL}{A}$$

Where S = average percent of slope
I = contour interval in feet
L = summation of length of all contour lines in feet
A = area in square feet of parcel being considered

Lot size shall be calculated from the following table:

TABLE 1
PLATTED LAND

<u>Average Slope</u>	<u>Minimum Lot</u>
0-17	9,000
18	10,200
19	11,400
20	12,600
21	13,800
22	15,000
23	17,000
24	19,600
25	21,000
26	23,000
27	25,000
28	27,000
29	29,000
30	31,000
31	33,000
32	36,000
33	39,000
34	42,000
35	45,000
36	48,000
37	51,000
38	54,000
39	57,000
40	60,000
41	63,000
42	66,000
43	69,000
44	72,000
45	75,000
46	78,000

TABLE 2
UNPLATTED LAND**

<u>Average Slope</u>	<u>Minimum Lot</u>
0-17	21,780
18	23,450
19	25,120
20	26,790
21	28,460
22	30,130
23	31,800
24	33,470
25	35,140
26	36,810
27	38,480
28	40,150
29	41,820
30	43,500
31	52,325
32	61,150
33	69,975
34	78,800
35	87,625
36	96,450
37	105,275
38	114,100
39	122,925
40	131,750
41	140,575
42	149,400
43	158,225
44	167,050
45	175,875
46	184,700

47	81,000	47	193,525
48	84,000	48	202,350
49	87,000	49	211,175
50+	90,000	50 +	220,000

** All land unplatted as of the effective date of the Ordinance, zoning or rezoning said land to Hillside Low Density Residential shall be subject to the minimum lot requirements contained in Table 2.

(b) <u>Setbacks</u>	<u>Platted</u>	<u>Unplatted</u>
Front	25 feet	35 feet
Side	10 feet	20 feet
Rear	25 feet	25 feet

(c) Maximum structural height: 25 feet

(d) Lot Coverage: Total lot coverage by structures, including attached or detached accessory structures, shall not exceed 30 percent.

(e) Merger of contiguous undersized lots: Contiguous parcels under one ownership, not including parcels separated by existing improved streets, which do not conform to the minimum lot size requirement hereunder, shall merge to provide lots necessary to satisfy the minimum lot size provided herein. This provision also applies to contiguous parcels in one ownership where a lot is developed.

Merger shall occur whether such contiguous parcels were under one ownership at the date of adoption of this Ordinance or come under one ownership any time thereafter.

4. DEVELOPMENT PLAN

A development plan conforming to the requirements of Section 7 hereof shall be approved prior to the issuance of any building permit.

5. SUPPLEMENTAL REQUIREMENTS

- (a) Public water service at a pressure and quantity that complies with appropriate City Ordinances.
- (b) Public wastewater service that complies with City Ordinances.
- (c) Frontage upon an existing accepted and maintained public street, or a new street that conforms to the City standards and is accepted and maintained by the City.
- (d) Distance of less than 600 feet (measured by line length) from an operational fire hydrant that can provide minimum fire flows of 500 gpm at 20 psi.
- (e) A land survey prepared by a registered land surveyor shall be recorded prior to issuance of a building permit.

6. PROCEDURES

(a) Lots Complying with Development Requirements (Subsection 3)

In the case of lots and proposed structures complying with the development requirements of Subsection 3 hereof, the Development Plan and Supplemental Requirements shall be reviewed by the Zoning Officer for conformance with approved City plans, plats, policies, resolutions and ordinances. If the Development

Plan and Supplemental Requirements are found by the Zoning Officer to be in conformance with said plans, plats, policies, resolutions, and ordinances, they shall be approved. If the Development Plan and/or the Supplemental Requirements are found by the Zoning Officer not to be in conformance with said plans, plats, policies, resolutions, and ordinances, they shall be denied and the applicant notified of the areas of inconsistency and changes required.

(b) Lots Not Complying with Development Requirements (Subsection 3)

In the case of lots and proposed structures not in compliance with the development requirements of Subsection 3 hereof, the Development Plan and Supplemental Requirements shall be submitted to the Planning Commission and City Council for review and final approval. All public notification requirements applicable to Section VIII.3, Variance, shall be follow in such cases.

7. DEVELOPMENT PLAN

(a) A development plan, minimum size 24" x 36", drawn to a scale of 1" = 40' and showing contours at intervals of 2', shall contain the following:

1. The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein.
2. The proper building setbacks and building area with reference to property line, highways, or street rights-of-way.
3. The location and surfaces of all parking areas and the exact number of parking spaces.
4. The location of natural watercourses and other natural and historic features.
5. The location of proposed landscaping.
6. The location of all permanent accesses from publicly dedicated streets, roads, or highways.
7. The location of all roadways, walkways, bridges, fire hydrants, culverts, drainage easements existing or contemplated, and green belts.
8. The stages, if appropriate, in which the project will be developed.
9. A vicinity map to locate the development in relation to the community.
10. Location of all proposed uses, structures, and other natural or man-made features and relationship of uses, structures, and features to internal and

11. A Grading and Erosion Control Plan containing plans for the control of erosion in accordance with the following principals:

- aa) Fitting the development plans to topography and vegetative cover.
- bb) Reducing the area and duration of exposed soil.
- cc) Removing and saving topsoil prior to any grading or excavating and replacement for revegetation.
- dd) Retaining and protecting natural vegetation wherever possible.
- ee) Covering disturbed soils with mulch, topsoil, and vegetation.
- ff) Retarding runoff, erosion and sediment in runoff water through the use of sedimentation ponds.

Final approval for occupancy by the Building Official and Zoning Officer shall not be granted unless the Grading and Erosion Control Plan has been satisfactorily completed. In addition a stop order, a cease and desist order, or such other remedy as may be deemed appropriate by the City, may be utilized during construction to assure compliance with the Grading and Erosion Control Plan.

12. Proof that water to be discharged from the property will not be in a greater

quantity or in a different manner than had previously occurred under natural conditions.

13. A soils and geology report, prepared by a professional engineer or geologist,

addressing the following (required only if the average slope of the lot or the slope at the actual building site exceed 17%):

- aa) General compatibility of natural features with proposed land use:
 - Topography.
 - Lateral stability of earth materials.
 - Problems of flood inundation, erosion, and deposition.
 - Problems caused by features or conditions in adjacent properties.
 - Other general problems.
- bb) Proposed Cuts:
 - Prediction of what materials and structural features will be encountered.
 - Prediction of stability based on geological factors.
 - Problems of excavation (e.g. unusually hard or massive rock, excessive flow of groundwater).
 - Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, development of compound cut slopes, special stripping above daylight handling of seepage water, setbacks for structures above cuts, etc.

cc) Proposed Masses of Fill:

- General evaluation of planning with respect to canyon-filling and sidehill masses to fill.
- Comment on suitability of existing natural materials for fill.
- Recommendations for positioning of fill masses, provision for underdrainage, buttressing, special protection against erosion.

dd) Recommendations for Subsurface Testing and Exploration:

- Cuts and test holes needed for additional geological information.
- Program of subsurface exploration and testing, based upon geological considerations, that is most likely to provide data needed by the soils engineer.

ee) Special Recommendations:

- Areas to be left as natural ground.
- Removal or buttressing of existing slide masses.
- Flood protection.
- Problems of groundwater circulation.
- Position of structures, with respect to active faults.

IV.2.g OPEN SPACE

1. PURPOSE

This district is established to encourage the acquisition, retention preservation and restoration of open lands in Manitou Springs for the protection of the flora and fauna in their natural state and for the recreational use by citizens of the City and to accomplish the following:

- (a) To enable lands under city ownership to be rezoned Open Space by the City.
- (b) To enable the City to receive donations of land from private individuals, corporations or trusts and to rezone all or portions of such land as Open Space.
- (c) To enable the City to acquire land and rezone all or portions of such land as Open Space.
- (d) To enable owners of land to petition to rezone their land as Open Space.
 - (i) Rezoning shall occur after approval by the City and agreement by the owner to retain the property as Open Space in perpetuity in exchange for receipt of a yearly incentive award from the city in the amount of the City's portion of the property taxes paid each year for said land. The incentive award shall become effective upon recordation of a deed restriction restricting the owner, heirs and assigns to use the property only as permitted under the Open Space zone. Alternatively, the owner may record an Open Space easement over the designated land in favor

of the City upon approval by the City. All surface, mining and water rights shall be conveyed by deed restriction or easement unless mutually agreed to otherwise by both parties.

- (ii) Criteria for rezoning shall be the approval of an Open Space Management Plan for such land by the City.

2. REZONING PROCEDURES

- (a) All rezoning shall be in accordance with City Ordinance and additionally shall consider the recommendations of the Open Space Advisory Committee.
- (b) Any request to rezone to Open Space shall be considered as a request initiated by the City Council or Planning Commission. The applicant shall have the assistance of the City to prepare the request and no fees shall be assessed.

3. PERMITTED PRINCIPAL USES

Undeveloped natural land or other uses as approved in the Open Space Management Plan.

4. DEVELOPMENT REQUIREMENTS

No development, construction or any other improvements shall be permitted without Open Space Management Plan approval except the following:

- (a) All trails shall be in accordance with the City's Trails Master Plan.
- (b) All construction and/or improvements in public utility easements shall require an approved Open Space Management Plan except for cases of City designated emergency.
- (c) All fire breaks or other wildfire suppression measures shall require an approved Open Space Management Plan except for cases of emergency.

5. OPEN SPACE MANAGEMENT PLAN

- (a) An Open Space Management plan shall be submitted meeting the criteria established by the City Planning Department.
- (b) No lands shall be disturbed until the Open Space Management Plan is approved by the City. Appropriate performance bonds or letters of credit may be required.
- (c) The Open Space Management Plan shall include site specific measures for restoration and revegetation of any affected areas.

IV.2.h Public land uses and uses of a similar nature are permitted in all areas on the approval of City Council, after recommendations are made by the Planning Commission.

IV.3 APPLICATION

Except as hereinafter provided, or by variance granted, or by amendment, no building structure, or land shall be occupied, built, used, erected, moved, or structurally altered

unless in conformity with this ordinance.

IV.4 DESIGN OF STRUCTURES

The design and location of any structure or number of structures on any lot or lots should be in accordance with the physical setting of the surrounding area. In addition, the existing character of the surrounding area and of Manitou Springs as a whole should be considered in the design. Strict attention should be paid to environmental considerations and topsoil should not be unduly disturbed, trees should be preserved as much as possible, and natural water courses should not be encroached upon.

The use of natural building materials is encouraged; merchants are urged to harmonize their storefronts; order, harmony, light, air, and convenience are sought in any design and innovation is regarded as important.

IV.5 PRINCIPLE PERMITTED USES

Unless specifically allowed in subsections IV.5.a & b of this section, each new land use or change in land use shall be considered a Conditional Use and regulated by that section of this ordinance.

IV.5.a PERMITTED USES IN THE DOWNTOWN ZONE

The following specific uses shall be allowed in the Downtown Zone without requiring review by the Planning Commission and approval of City Council with the stipulation that the use be lawful and not generate objectionable odor, dust, smoke, fumes, gas, noise, or vibrations, or a hazard to the health or property of the surrounding area:

1. Art or Antique Shop
2. Art or Photographic Studio
3. Bakery or Pastry Shop
4. Bank or other Financial Lending Institution (NOT including drive up facilities)
5. Barber or Beauty Shop
6. Book or Stationary Store
7. Camera Shop (service, supplies, equipment)
8. Candy or confectionery store
9. City Parks
10. Clothing or ready to wear store
11. Dancing Academy
12. Delicatessen
13. Drugstore
14. Dry cleaning or laundry (collection office only)
15. Electronic and small appliance sales and repair
16. Employment Agency
17. Florist Shop
18. Gift Shop

19. Grocery or specialty foods market
20. Hardware store
21. Hobby or toy store
22. Hotel
23. Jewelry store
24. Liquor store
25. Library or museum
26. Locksmith shop
27. Medical/Dental offices
28. Music or Video store
29. Newsstand
30. Offices
31. Paint or wallpaper store
32. Restaurant or Café
33. Shoe sales and repair
34. Sporting goods store
35. Tobacco shops
36. Indoor Theater
37. Fabric/Upholstery sales
38. Residential above the first floor
39. Religious use facilities (subject to provision of required off-street parking).

Any use not specifically listed, but similar in nature shall, upon request by the applicant, be referred to the City Planning Commission as a discussion item for approval or disapproval as a permitted use.

IV.5.b PERMITTED USES IN THE COMMERCIAL ZONE

The following specific uses shall be allowed in the Commercial Zone without requiring review by the Planning Commission and approval of City Council with the stipulation that the use be lawful and not generate objectionable odor, dust, smoke, fumes, gas, noise, or vibrations, or a hazard to the health or property of the surrounding area:

1. All uses allowed as permitted uses in the Downtown Zone
2. Ambulance Service Business
3. Appliance Sales involving assembly of appliances from previously prepared parts
4. Bank or other Financial Lending Institutions including Drive up Facilities
5. Blueprinting or photostating
6. Carpentry or woodworking shop
7. Dry cleaning establishment using only nonflammable materials and not employing more than four (4) persons in addition to one owner/manager on the premises.
8. Funeral parlor
9. Home improvement center
10. Motel

11. Private school
12. Service station, alone or with car wash
13. Small animal hospital (soundproofed and no outside runs)
14. Launderette (self service)
15. Health Club
16. Medical/Dental Clinic
17. Convenience Store
18. Child Care Center
19. Bar or Lounge

Any use not specifically listed but similar in nature shall, upon request by the applicant, be referred to the City Planning Commission as a discussion item for approval or disapproval as a permitted use.